

SO YOU WANT TO DEVELOP YOUR OWN RISK ASSESSMENT INSTRUMENT

by Frank Domurad, Director of Staff and Organizational Development, New York City Probation Department

In many respects organizations behave much as individuals do. They suffer from the ills of inertia and procrastination. They avoid making hard decisions over priorities wherever possible. And they only change in response to the spur of unavoidable pain and the enticement of prospective pleasure.

So it was some 7 years ago when the New York City Department of Probation sought to reinvent the way it supervised some 100,000 adult offenders annually. The pain was immediate and direct. The city's Office of Management and Budget informed the Commissioner that as part of her contribution to balancing the municipal books, she was about to lose almost one-third of her adult court probation officers. The pleasure was the resulting opportunity that such a disaster offered the agency to "think its way out of the box." Everyone knew that business as usual was no longer an option, with supervision caseloads projected to enter the stratosphere of 400 clients for every officer. Instead, we had the perfect justification to "blue sky" and become what we had always dreamed: an organization with a mission and purpose and the will to accomplish it.

The timing of our effort could not have been more propitious. After almost two decades of rancorous debate among the gurus of academia, the message had come down from the ivory towers that some correctional interventions do work for some clients some of the time (Palmer, 1994; Andrews and Bonta, 1994). Certainly it would have been more satisfying for practitioners if the word had been that the proverbial silver bullet of rehabilitation had finally been cast, but at least the direction was now clear. Those community corrections agencies interested in protecting public safety by positively changing their clients' criminal behavior had to pay particular attention to the mantra of risk, needs, and responsivity. They had to focus their resources on skillfully addressing those factors in their clients' lives that placed them at the greatest risk of reoffending. In New York City's case, this meant targeting probationers with the highest probability of physically harming someone else, either on the street or in their home.

But how to identify and classify such a population? The answer was simple to conceive but difficult to execute. Somehow we had to find or develop a tool that would allow us to predict the potential for such recidivism in as objective a manner as possible. We had to predict, in effect, "violent" criminal rearrest.

Why Develop Your Own Risk Instrument?

Our research revealed that we could not simply pull such a prediction tool off the shelf. Although many risk assessment instruments—both proprietary and in the public domain—had been designed to classify offenders according to the probability of general recidivism, none focused on violent criminality in particular. Most efforts had failed on methodological grounds: either the targeted populations were too small to produce a large enough sample size for construction and validation, or the incidence of the outcome (the criterion variable) was too infrequent to keep the chance of prediction error within acceptable limits. In New York City, with 100,000 probationers a year, neither problem proved to be an obstacle. Thus pure necessity, our first reason for developing our own instrument, was transformed into an opportunity.

The second reason driving the Department to create its own risk assessment tool stemmed from policy considerations. As Peter Jones (1985) has noted, every statistical prediction instrument, no matter how “objectively” derived, is laden with a series of hidden policy and value decisions. Most agencies using products off the shelf either are not aware of these issues or choose to ignore them. By developing its own instrument, the Department forced itself to ask and answer some very important questions. These addressed the proper allocation of scarce resources through setting cutoff points between risk classes of offenders, the determination of our political tolerance for false positives and false negatives, and, most importantly, the appropriate choice of predictive variables. In a city as diverse as New York, we were extremely sensitive about adopting any instrument that did not minimize or even eliminate racial, ethnic, and culturally oriented biases in its selection of predictors.

Our final reason for proceeding was purely financial. We could either make a one-time capital investment to develop a suitable risk-prediction instrument or set aside a relatively significant portion of our annual operating funds to use a proprietary instrument. Assuming that an appropriate proprietary instrument could have been found to predict “violent” recidivism, at a price of anywhere from \$3 to \$5 (or more) a copy, we were talking about hundreds of thousands of dollars in recurring expenditures. It simply was not a sum that we could be assured of having in our coffers each year in light of competing demands and the probability of future budget reductions.

How Do You Develop Your Own Risk Instrument?

Although space is too short to detail all the steps we took in developing our own risk instrument, three steps in particular proved more important than others:

1) Confront the policy decisions embedded in such a process as openly and forthrightly as possible. Nowhere is this stance more important than in selecting the criterion variable, the outcome to be forecast. Although we had decided that we wished to predict the incidence of “violent” rearrest among our probationers, we found that we could not simply select the appropriate FBI Index Crimes Against the Person as our definition and call it a day. The very word “violence” conjures up sharply differing images and emotions, each representing a differing “interest” in the issue on the part of executive staff, line staff, and external stakeholders. After much discussion and debate, we settled on a definition of a “violent” offense that included the following: homicide, assault, sex offenses, kidnapping, serious burglary, arson, robbery, endangering the welfare of a child, and use of firearms and other dangerous weapons. It was not your usual, garden-variety list, but one that suited the risk we were most interested in managing in terms of our agency’s mission.

2) Select experts whom you know and trust to construct your instrument.

The more familiar the experts are with your agency's business, the better. Even beyond that, the more collaborative and ethically insightful they are, the better. Your developers need to view the project not just as an exercise in statistical model construction; they also need to understand and make transparent the policy decisions that are required at every step of the way and to explain the ethical, as well as the practical, consequences of such decisions. For example, risk instruments have a tremendous impact on human beings, whether they are potential victims or known offenders. There will always be error in any effort at human prediction. False negatives will result in harm to the public when a crime is committed. False positives will result in unwarranted intrusions on the part of the state into the lives of clients—intrusions that, ironically, may actually increase the very recidivism you are seeking to prevent. How many of each of these errors you will tolerate as a result of the operation of your assessment instrument is a matter of policy as well as "objective" scientific practice. Any experts who pretend differently are probably not worth hiring.

In New York, we were fortunate to obtain the services of Todd Clear and Ken Gallagher for our task force. Both were renowned for their technical knowledge and for their concern with the moral consequences of correctional policies and practices (O'Leary and Clear, 1995). Clear had worked with the Department on numerous other occasions, and Gallagher had actually been on our staff. Both knew the strengths and weaknesses of our data systems, the potential biases in our methods of data collection, and the objectives the agency wished to accomplish.

3) Create administrative and staff ownership of the process. Most heads of agencies and their executive staff are clueless when it comes to the construction, testing, and implementation of actuarial prediction instruments. Their lack of knowledge and the resulting personal discomfort they feel entice them to flee the table and turn the whole matter over to the "scientists." To prevent such an unacceptable loss of control over the project, the Department appointed a panel of experts to discuss, debate, and review the development of the instrument at each crucial stage. The panel, which consisted of five scholars in the field, supplied a forum for vigorous discourse on every conceivable topic relevant to the development and testing of the instrument. At times the discussion soared to the heights of statistical and methodological esoterica; at times it sank to the fundamental questions of how we eliminate racial and other bias from the selection of prediction variables. But, in all instances, it forced the Department to remember its responsibility of ownership for such an important aspect of its operations. To paraphrase the old saying, we desperately wanted to run, but we were never allowed to hide.

What Are the Results?

The Department's risk assessment instrument, designed to predict rearrest for "violent" crimes, is reproduced on pages 14 and 15 along with the guidelines for its use. It is an additive scale instrument whose variables, such as age, criminal history, and current offense, are essentially static and therefore not readily responsive to changes in the probationer's situational or behavioral conditions. It is used for purposes of initial classification and is not suited for any type of client reassessment. Its primary predictive component is age, a factor that is subtracted from the total of the other six variables. The greater a person's age, the smaller the likelihood that he or she will be placed in a high-risk supervision track.

ASR CASE CLASSIFICATION AND ASSIGNMENT INSTRUMENT

CASE NAME: _____

CASE NUMBER: _____

NYSID NUMBER: _____

I. ASR CASE CLASSIFICATION INSTRUMENT

SCORING

- | | | | |
|--|------|--------------------------|-----------|
| 1. Defendant is eligible for a Probation sentence. | | | <u>32</u> |
| 2. How many victims were physically injured in the instant offense? | — | x 6 = | — |
| 3. How many prior misdemeanor arrests does the offender have for offenses against persons? | — | x 7 = | — |
| 4. Does the offender have any juvenile arrests? | No=0 | Yes=11 | — |
| 5. Is the current or any prior arrest for a violent offense? | No=0 | Yes=19 | — |
| 6. Is the offender a Youthful Offender? | No=0 | Yes=11 | — |
| | | Subtotal of Items 1 - 6 | — |
| 7. What is the offender's age? | | (Subtract from Subtotal) | |

Classification Score _____

II. ASR TRACK/UNIT ASSIGNMENT CRITERIA

Classification Score is 23 or above, and;

- I. Offender is male, 20 years of age or less, speaks English, and is not developmentally or psychiatrically disabled.

Assign to Enforcement Blue

2. Offender does not meet Blue Criteria

Assign to Enforcement Amber

Classification Score is 22 or below and;

1. There is a Court ordered special condition of Probation, such as a fine, restitution, community service or participation in a treatment program.

Assign to Special Conditions

2. Offender has no special conditions.

Assign to Reporting

3. There are exceptional circumstances:
(a) Current or prior history of child abuse, sexual abuse, domestic violence:

Assign to Amber

- (b) Probationer has completed STAR

Assign to Green

- (c) "High Profile" case:

Assign to Green with BC Approval

III. ASR ASSIGNMENT

Case Assigned to _____ Track/Unit P.O. _____

Date Completed: _____

Completed by: _____
(P.O. Name and I.D. No.)

ASR CASE CLASSIFICATION AND ASSIGNMENT INSTRUMENT GUIDELINES

Score each of the items in Section I as they apply to the offender using the definitions included below. Add items 1 through 6. Subtract the offender's age to obtain the ASR Classification Score. Refer to Section II, ASR Track/Unit Assignment to determine the correct assignment. Record the ASR assignment in Section III.

I. ASR CASE CLASSIFICATION INSTRUMENT

- Item 1. Include the Score of 32 points for every case legally eligible (at PSI stage) or received on Probation (supervision stage).
- Item 2. Multiply the number of individuals who are reported to have suffered a physical injury in the instant offense by 6 and enter the **result** on the appropriate line.
- Item 3. Misdemeanor crimes against persons are defined as: Assault 3 (120.00), Menacing 2 (120.14) Menacing 3 (120.15) Hazing 1 (120.15) Reckless Endangerment 2 (120.20) Sexual Misconduct (130.16) Sex Abuse 3 (130.55) Sex Abuse 2 (130.60) Unlawful Imprisonment 2 (135.05) Coercion 2 (135.60.) (1) Endangering the Welfare of a Child (260. 10) Endangering the Welfare of an Incompetent Person (260.25) Criminal Possession of a Weapon 4 (265.01)
- Item 4. Include any juvenile arrest regardless of the disposition of the case.
- Item 5. The following are defined as violent offenses: assault, homicide, sex offenses, kidnapping, burglary 1st and 2nd, arson, robbery, endangering the welfare of a child, and firearms and other dangerous weapons.
- Item 6. Has the Court made a Youthful Offender adjudication at sentencing?
- Item 7. Enter the Offender's age at time of sentence and subtract from total value of Items 1 through 6. **The result is the classification score.**

II. ASR TRACK/UNIT ASSIGNMENT CRITERIA

Cases with a Classification Score of 23 or above will be assigned to the Enforcement Track.

Cases with a Classification Score of 22 or below will be assigned to either Special Conditions or Reporting Tracks unless there are exceptional circumstances as described in Item 3 in this section.

III. ASR ASSIGNMENT

Use the criteria in Section II to assign the case to the appropriate Track or Unit. P.O. assignment is to be made by consulting the appropriate **Unit Supervisor.**

The instrument assigns clients into one of two risk categories:

- Persons scoring 23 points or above are placed in the high-risk Enforcement Track, which consists of Blue, Amber, and Green units. The Blue unit consists of cognitive-behavioral groups for male adolescents between the ages of 16 and 20 years. Amber applies cognitive-behavioral techniques primarily to the individual supervision and case management of offenders. Green focuses on relapse prevention and is a step-down from Blue or Amber.
- Probationers scoring 22 points or below are funneled to either a low-risk Special Conditions Track, if the judge appended specific conditions of probation to the person's sentence, or to an automated kiosk Reporting Track.

Contained within the instrument are specific policy decisions concerning "stakes" issues. These decisions override numerical scores in a set of clearly defined conditions called "exceptional circumstances." The most prominent among these are cases involving current or prior instances of child abuse, sexual abuse, or domestic violence. In these cases, the offender is placed in the high-risk Amber unit regardless of the actuarial assessment results. Similarly, low-risk cases that are considered "high profile" may be assigned to the Green unit.

Although the Department has yet to re-validate the instrument, preliminary indications have confirmed its efficacy. A recent study of probationers sentenced in Manhattan over a 3-month period, who were subsequently rearrested for a violent offense within 6 months and within 9 months of being placed on probation, represented predicted odds ratios. The odds in favor of a rearrest for a violent crime in general were 2.3 times greater for a high-risk than a low-risk case and 2.1 times greater for violent felony rearrests alone.

In short, it is possible to design your own risk assessment instrument to meet specialized needs for population prediction and classification. Such a step should not be taken lightly. Besides entailing a great deal of time, effort, and initial cost, it requires a willingness to be brutally honest about decisions taken and methods adopted. The process cannot be removed from the light of day and simply left in the hands of experts. It must be owned by the leadership of the agency, by persons who devote the time to understanding the technical, ethical, and political issues involved. If such a commitment is present, however, the results can be both valuable and rewarding.

For additional information, contact Frank Domurad, Director of Staff and Organizational Development, New York City Probation Department; telephone (212) 442-4497; email fdomurud@prblan.ci.nyc.ny.us.

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